

COMPLAINT FORM INFORMATION

RE 519A (Rev. 7/04)

Thank you for contacting the Department of Real Estate. We hope that we can be of assistance to you with your real estate problem. Please review the following information carefully as it will assist you in filing your complaint.

The Department of Real Estate investigates complaints against real estate brokers and salespersons who are accused of misleading or defrauding consumers. If we can prove a violation of the real estate license laws within our jurisdiction, a formal hearing may be held which could result in discipline of the agent's license.

We also investigate complaints against subdividers who are accused of violating subdivision laws and, if we can prove a violation, further sales may be stopped by the issuance of a Desist and Refrain Order until the violations are corrected.

All complaints must be in writing. Upon receipt, your complaint will be reviewed and you may be requested to provide additional information. If your complaint is assigned for investigation, you will be notified of the name of the investigator as well as the outcome of our inquiry.

Please understand that we cannot act as a court of law, thus we are not able to order that monies be refunded, contracts be cancelled, damages be awarded, etc. If you have this type of concern, you should consult with an attorney since we are not authorized to give legal advice or act as your counsel. Most county bar associations in the state have lawyer referral services which are able to arrange a consultation for a modest fee.

In preparing your complaint, please summarize your concerns in a chronological manner using these guidelines:

- Tell us *what* happened. Start from the beginning and describe the events as they occurred. Be specific as to *what* was said and *who* said it.
- Tell us *who* was present during these conversations or acts.
- Tell us *when* and *where* these conversations/acts took place.

Documentary evidence is especially important! Therefore you should include legible photocopies of all documents relating to your transaction such as listings, offers, deposit receipts, notes and trust deeds, correspondence, copies of the front and back of checks involved, escrow documents, advertising, etc., and attach them to the written complaint. If you are unable to submit photocopies, you may submit the originals which will be copied and returned to you.

Although the Department is anxious to assist you, it should be noted that the burden of proof established for license disciplinary actions exceeds that required to prove a case in civil court proceedings. Prior to filing its disciplinary actions, the Department must have evidence that will clearly and convincingly demonstrate to an Administrative Law Judge that a violation of the Real Estate Law has occurred. This means, for example, that

where the parties offer conflicting testimony and the complainants version is either not supported by additional evidence or is contradicted by a written document, the Department's burden of proof will not have been met and the Commissioner would not be in a position to proceed with disciplinary action against the licensee.

In addition, the period of time during which the Commissioner can exercise the Department's disciplinary functions is governed by a statute of limitations. Generally, formal disciplinary action must be filed by the Department of Real Estate not later than three years from the occurrence of the alleged grounds for license discipline. However, when the acts or omissions with which the licensee is charged involve fraud, misrepresentation or a false promise, formal charges can also be filed within one year after the date of discovery by the aggrieved party. In no case shall formal pleadings be filed later than ten years from the occurrence of the alleged grounds for disciplinary action.

Disciplinary hearings are presided over by an Administrative Law Judge who is employed by a state agency independent of the Department of Real Estate. The hearings are conducted in a manner similar to court trials without a jury. At the hearing, the Department has the burden of proving the charges contained in the pleadings and usually does so by calling witnesses and presenting documents in evidence. After the hearing is concluded, the Administrative Law Judge prepares a proposed decision which is sent to the Real Estate Commissioner for his/her consideration and final decision.

We at the Department of Real Estate trust that this information has been of assistance and ask that you retain this material for your future reference. If you have Internet access, much more information about the Department and its functions is available on our Web page at www.dre.ca.gov. This includes access to the public license information records of brokers and salespersons, and the actual text of the license and subdivisions laws we administer.

Thank you.

Where to mail or deliver

Mail or hand deliver completed form and attachments to:

Department of Real Estate, Enforcement

- 2201 Broadway, P.O. Box 187000,
Sacramento, CA 95818-7000
- 1515 Clay St., Ste. 702, Oakland, CA 94612-1462
- 2550 Mariposa Mall, Ste. 3070, Fresno, CA 93721-2273
- 320 W. 4th St., Ste. 350, Los Angeles, CA 90013-1105
- 1350 Front St., Ste. 3064, San Diego, CA 92101-3687

LICENSEE/SUBDIVIDER COMPLAINT

RE 519 (Rev. 2/99)

RECEIVED DATE

- Read instructions on Complaint Form Instructions (RE 519A) before completing this form.
- Type or print clearly in ink.
- Mail or hand deliver completed form and attachments to the appropriate office; see RE 519A.

INFORMATION ABOUT YOU

NAME (ENTER YOUR FULL NAME)

RESIDENCE ADDRESS (STREET ADDRESS, CITY, STATE AND ZIP CODE)

BUSINESS ADDRESS (STREET ADDRESS, CITY, STATE AND ZIP CODE)

OCCUPATION

BUSINESS TELEPHONE NO. (INCLUDE AREA CODE)

RESIDENCE TELEPHONE NO. (INCLUDE AREA CODE)

INFORMATION ABOUT PERSON/COMPANY YOU ARE COMPLAINING AGAINST

1. FULL NAME OF BUSINESS, COMPANY, FIRM

BUSINESS TELEPHONE NUMBER (INCLUDE AREA CODE)

BUSINESS ADDRESS (STREET ADDRESS, CITY, STATE AND ZIP CODE; INCLUDE ROOM, APARTMENT OR SUITE #, IF ANY)

2. FULL NAME OF SALESPERSON, AGENT, OR REPRESENTATIVE

EMPLOYED BY

FULL NAME OF SECOND LICENSEE, IF ANY

EMPLOYED BY

3. DATE(S) OF TRANSACTION

PLACE(S) WHERE TRANSACTION(S) OCCURRED

ADDRESS OF PROPERTY INVOLVED

4. HAVE YOU CONTACTED THE BUSINESS REGARDING YOUR COMPLAINT?

 YES NO IF YES, COMPLETE THE FOLLOWING.

DATE(S) OF CONTACT

PERSON(S) CONTACTED

RESULTS OF CONTACT

5. HAVE YOU FILED THIS COMPLAINT WITH ANOTHER LAW ENFORCEMENT OR CONSUMER PROTECTION AGENCY?

 NO YES IF YES, COMPLETE THE FOLLOWING.

NAME OF AGENCY

ADDRESS OF AGENCY

RESULTS OF THAT COMPLAINT

6. HAVE YOU RETAINED AN ATTORNEY TO ASSIST IN RESOLVING THIS MATTER?

NO YES IF YES, COMPLETE THE FOLLOWING.

NAME OF ATTORNEY	BUSINESS TELEPHONE NUMBER
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ADDRESS OF ATTORNEY

MAY WE CONTACT YOUR ATTORNEY WITH REFERENCE TO THIS MATTER?

NO YES

7. IS THIS COMPLAINT INVOLVED IN A CIVIL ACTION (LAWSUIT) FILED OR PENDING IN ANY COURT?

NO YES IF YES, COMPLETE THE FOLLOWING.

NAME OF COURT

ADDRESS OF COURT

TYPE OF ACTION	CASE NUMBER
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8. ARE YOU WILLING TO APPEAR AS A WITNESS, BE SWORN, TESTIFY AND CROSS-EXAMINED CONCERNING THE ALLEGATIONS MADE IN THIS COMPLAINT?

NO YES IF NO, LIST REASONS BELOW.

9. WERE THERE ANY WITNESSES TO THE DESCRIBED TRANSACTIONS?

NO YES IF YES, COMPLETE THE FOLLOWING AND DESCRIBE IN ITEM #11 WHAT THEY SPECIFICALLY WITNESSED.

FULL NAME OF WITNESS #1

RESIDENCE ADDRESS

YOUR RELATIONSHIP TO THE WITNESS	BUSINESS TELEPHONE NUMBER (INCLUDE AREA CODE)	RESIDENCE TELEPHONE NUMBER (INCLUDE AREA CODE)
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FULL NAME OF WITNESS #2

RESIDENCE ADDRESS

YOUR RELATIONSHIP TO THE WITNESS	BUSINESS TELEPHONE NUMBER (INCLUDE AREA CODE)	RESIDENCE TELEPHONE NUMBER (INCLUDE AREA CODE)
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10. INDICATE WHICH OF THE FOLLOWING DOCUMENTS ARE ATTACHED, INCORPORATED AND MADE PART OF THIS COMPLAINT.

<u>ATTACHED</u>	<u>NOT AVAILABLE</u>	<u>TYPE OF DOCUMENT</u>
<input type="checkbox"/>	<input type="checkbox"/>	LISTING AGREEMENT
<input type="checkbox"/>	<input type="checkbox"/>	DEPOSIT RECEIPT (OFFER)
<input type="checkbox"/>	<input type="checkbox"/>	CASH RECEIPT(S)
<input type="checkbox"/>	<input type="checkbox"/>	CANCELLED CHECK(S)
<input type="checkbox"/>	<input type="checkbox"/>	ESCROW INSTRUCTIONS, AMENDMENTS & CLOSING STATEMENTS (IF ANY)
<input type="checkbox"/>	<input type="checkbox"/>	COPIES OF ALL DOCUMENTS WHICH RELATE TO YOUR COMPLAINT AND WHICH ARE NOT LISTED ABOVE.

